

COVID-19 Legislation

Resource – Legislative Summary

The Feeding America Government Relations Team is providing a legislative summary of the nutrition provisions and other related provisions in the Families First Coronavirus Response Act. This resource provides an overview of how this legislation impacts nutrition programs.

Families First Coronavirus Response Act (H.R. 6201) Legislative Summary of Nutrition and Other Provisions

The text of the *Families First Coronavirus Response Act*, H.R. 6201, is [here](#). A summary of H.R. 6201, as passed by the House on Saturday, March 14, is [here](#). A summary of the [House Modifications to H.R. 6201, Families First Coronavirus Response Act](#). A summary of paid leave provisions outside the Appropriations Committee's jurisdiction, incorporating changes made by technical correction, is [here](#).

Nutrition Provisions

TEFAP:

- The bill provides a \$300 million increase in funds for TEFAP food and \$100 million for the cost of storing and distributing the food. These funds will be available until September 30, 2021. (Division A, Title 1)
- USDA has the authority to purchase commodities in any area of the US during the COVID-19 public health emergency. (Section 1101)

SNAP:

- This bill automatically suspends the three-month time limit nationwide thereby allowing all ABAWDs access to SNAP benefits for the duration of the pandemic – beginning the month after the bill is enacted through the month in which the COVID-19 emergency declaration is lifted. Currently, ABAWDs are limited to three months of benefits in a 36-month period unless they are able to document 20 hours of qualifying work or work activities per week. (Section 2301)
 - *Please Note:* Neither this provision, nor any other provisions in this legislation, will change or block the proposed SNAP rules from moving forward, including the ABAWD rule originally due to be implemented April 1st. (That rule was blocked by the courts from being implemented in April. Find more in [this article](#).) However, this particular provision will ensure that at least for the duration of this pandemic, ABAWDs in all parts of all states will be able to access SNAP benefits.
- The bill allows States to apply to USDA for a temporary emergency increase in monthly SNAP benefits to the maximum amount allowed for the specific household size of the SNAP recipient. (Section 2302)
- States can submit a waiver request to USDA for flexibility in their SNAP operations and procedures to account for actual conditions in affected areas. (Section 2302)
- The bill requires USDA to make publicly available online State requests for waivers, the USDA response, and any USDA guidance on State flexibilities. (Section 2302)

Child Nutrition:

- The bill gives states authority to utilize a pandemic EBT program to provide families an EBT card with the monetary value of school meals not accessible during school closures related to COVID-19. (Section 1101)
 - The program would be eligible to all children who receive free or reduced-price school meals in school, including all children in CEP schools, in areas where schools are closed for a minimum of 5 days.
- The bill gives USDA the authority to issue nationwide waivers of any requirement for the purpose of providing meals and meal supplements during a school closure due to COVID-19. Currently, states must apply individually to receive a waiver from USDA for program flexibilities and the change will allow schools, food banks, and communities to quickly adopt and utilize needed flexibilities. (Section 2202)
- The bill removes restrictions on federal allowable cost increases by States and other service providers; allows States the ability to increase programs costs, including costs of labor, food, and processing, that will be reimbursed by the federal government, without providing an offset. (Section 2102)
- The bill allows USDA to approve state requests to allow all CACFP child and adult care centers to operate as non-congregate meal sites. (Section 2202)
- The bill allows USDA to approve state requests to waive meal pattern requirements if necessary and there is a disruption to the food supply as a result of the COVID-19 emergency.

Special Supplemental Program for Women, Infants, and Children (WIC):

- The bill provides \$500 million in emergency funding, available until September 30, 2021. (Division A, Title 1)
- The bill Provides flexibilities in WIC operations to minimize personal interactions by allowing the Secretary to approve state requests to waive the requirement that individuals must be physically present for certification and recertification determinations and to defer bloodwork requirements to determine nutritional risk. (Section 2203)

Older Americans Nutrition Programs:

- The bill provides \$250 million to HHS for Aging and Disability Service Programs for nutrition services for older adults. This includes \$160 million for home-delivered meals and \$80 million for congregate meals, and \$10 million for nutrition services for Native Americans. These funds will be available until September 30, 2021. (Division A, Title V)

Nutrition Assistance for US Territories:

- The bill provides \$100 million for grants to the Northern Mariana Islands, Puerto Rico, and American Samoa for nutrition assistance provided in response to COVID-19. (Section 1102)

Other Provisions

Paid Leave (Division C):



- The legislation includes a refundable tax credit for employers who provide paid sick leave or family and medical leave to employees. Because the credit is provided against the employer's payroll tax liability, it is available to tax exempt organizations.
- The value of the credit is equal to 100 percent of 10 days (80 hours) paid sick leave up to \$511 per day per employee, and 100 percent of 50 days (10 weeks) paid family and medical leave up to \$200 per day per employee.
- If the aggregate amount of paid sick or family and medical leave exceeds the employer's payroll tax liability, the excess amount will be treated as an overpayment and refunded to the employer.

